

HOUSE BILL 388  
By Armstrong

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 1, relative to establishment of the  
Tennessee youth tobacco prevention, education  
and cessation fund.

WHEREAS, in 1998 the attorneys general of forty-six (46) states, including Tennessee, negotiated a historic settlement with the major tobacco product manufacturers; and

WHEREAS, this master settlement agreement was approved by the Davidson County Chancery Court in December 1998, and has allowed Tennessee to receive substantial funds that have been used for general appropriations, primarily due to difficult economic times for state government; and

WHEREAS, it is anticipated that the state will continue to receive substantial funds from this settlement for the foreseeable future; and

WHEREAS, scientific and medical authorities agree that usage of tobacco products, over a long period of time, is a major cause of chronic disease and the premature deaths of thousands of Tennesseans; and

WHEREAS, many other states have used their settlement funds to support expanded tobacco prevention, education and cessation efforts that have, in many cases, been demonstrated to reduce tobacco use; and

WHEREAS, the monies received by Tennessee under the master settlement agreement should logically be used primarily to reduce the number of Tennesseans who use tobacco products and, thereby, reduce the number of Tennesseans who will suffer adverse health conditions and even death as a result of tobacco use; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding the following language as a new, appropriately designated part:

§ 68-1-2301.

(a) There is hereby established in the department of health a youth tobacco prevention, education and cessation fund. From monies received by the state under the master settlement agreement, two million five hundred thousand dollars (\$2,500,000) shall be allocated to the fund during fiscal year 2005-2006 and five million dollars (\$5,000,000) shall be allocated to the fund during each fiscal year thereafter.

(b) Other monies, including gifts, grants, or other donations, may be designated for the fund. Any monies for qualified youth tobacco prevention, education and cessation programs not expended in any fiscal year shall be retained in the fund and available for qualified youth tobacco prevention, education and cessation programs in any following year. All interest derived from the deposit and investment of monies in the fund shall be credited to the fund.

(c) The fund shall be administered by the department of health pursuant to the provisions of this part.

(d) All monies in the fund shall be subject to annual appropriations by the general assembly for the express purposes authorized pursuant to the provisions of this part and shall be available for the award of grants for qualified youth smoking prevention, education and cessation programs.

§ 68-1-2302.

(a) The department of health is authorized to issue grants from the fund to address youth tobacco prevention, education and cessation programs.

(b) No later than August 31, 2005, the department shall establish criteria by which grant proposals will be considered for fiscal year 2005-2006 and by December 31 for subsequent fiscal years. The criteria shall also describe the types of youth tobacco prevention, education and cessation programs that will be eligible for consideration for grants from the fund. Such eligible programs shall include, but not be limited to:

(1) Media campaigns directed at youth to prevent underage consumption of cigarettes;

(2) School-based education programs to prevent youth tobacco use. Schools desiring to establish coordinated school health programs are eligible to apply for funding but any awards made for coordinated school health programs shall be coordinated with the state department of education;

(3) Community-based youth programs involving youth tobacco prevention, education and cessation through general youth development; and

(4) Enforcement and administration of title 39, chapter 17, part 15, as well as related retailer education and compliance efforts.

(c) Grants awarded for fiscal year 2005-2006 shall have a beginning date of January 1, 2006, and shall have a contract period not exceeding eighteen (18) months. All new grants awarded for fiscal year 2006-2007, or for any fiscal year thereafter, shall be initiated at the beginning of the state's fiscal year and shall have a contract period not exceeding twenty-four (24) months.

(d) An applicant that requests funding to initiate or continue a youth tobacco prevention, education or cessation program shall demonstrate, by

means of application, historical experience, letters of recommendation, and such other means as the department may require, that the proposed youth tobacco prevention, education or cessation program for which it seeks funds has a reasonable expectation of preventing youth tobacco use for non-users of tobacco or reducing rates for those who use tobacco products. Prior grant recipients shall include recent evaluations of their programs with their applications.

(e) In evaluating the grant requests, the department shall consider:

(1) In the case of applications to fund media campaigns directed to youth to prevent underage consumption of cigarettes, whether the campaign provides for sound management and periodic evaluation of the campaign's relevance to the intended audience, including audience awareness of the campaign and recollection of the main message;

(2) In the case of applications to fund school-based education programs to prevent youth tobacco use, whether there is credible evidence that the program is effective in preventing youth tobacco use;

(3) In the case of applications to fund community-based youth programs involving youth tobacco prevention, education and cessation through general youth development, whether the program:

(A) Has a comprehensive strategy with a clear mission and goals;

(B) Has committed, caring, and professional leadership;

(C) Offers a diverse array of youth-centered activities in youth accessible facilities;

(D) Is culturally sensitive, inclusive and diverse;

(E) Involves youth in the planning, delivery, and evaluation of services that affect them; and

(F) Offers a positive focus; and

(4) In the case of applications to fund enforcement and administration of title 39, chapter 17, part 15, as well as related retailer education and compliance efforts, whether such activities and efforts can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of eighteen (18).

§ 68-1-2303. The department of health shall: require all grantees to submit, at a minimum, annual program outcome reports at the end of each fiscal year; review, evaluate and summarize the program outcome reports; and file a written report with the governor, the speaker of the senate and the speaker of the house of representatives on or before January 31 each year on the status of the fund and the activities of the fund for the fiscal year most recently ended. The report shall include the beginning and ending balance of the fund for each fiscal year, payments or gifts received by the fund, income earned and expenditures made, the name of each grantee and the amount of each grant made, the criteria used to award each grant, and whether the program implemented by each grantee met the criteria. The report shall be made publicly available immediately upon its filing.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.